

10 NCAC 14C .0203, is proposed as a temporary rule as follows:

**10A NCAC 14C .0203 FILING APPLICATIONS**

(a) An application shall not be reviewed by the agency until it is filed in accordance with this Rule.

(b) An original and a copy of the application shall be file-stamped as received by the agency no later than 5:30 p.m. on the 15th day of the month preceding the scheduled review period. In instances when the 15th of the month falls on a weekend or holiday, the filing deadline is 5:30 p.m. on the next business day. An application shall not be included in a scheduled review if it is not received by the agency by this deadline. Each applicant shall transmit, with the application, a fee to be determined according to the ~~following formula:~~ formula as stated in GS 131E-182(c).

~~(1) With each application proposing the addition of a sixth bed to an existing or approved five bed intermediate care facility for the mentally retarded, the proponent shall transmit a fee in the amount of two thousand dollars (\$2,000).~~

~~(2) With each application, other than those referenced in Subparagraph (b)(1) of this Rule, proposing no capital expenditure or a capital expenditure of up to, but not including, one million dollars (\$1,000,000), the proponent shall transmit a fee in the amount of three thousand five hundred dollars (\$3,500).~~

~~(3) With each application, other than those referenced in Subparagraph (b)(1) of this Rule, proposing a capital expenditure greater than one million dollars (\$1,000,000) or greater, the proponent shall transmit a fee in the amount of three thousand five hundred dollars (\$3,500), plus an additional fee equal to .003 of the amount of the proposed capital expenditure in excess of one million dollars (\$1,000,000). The additional fee shall be rounded to the nearest whole dollar. In no case shall the total fee exceed seventeen thousand five hundred dollars (\$17,500).~~

(c) After an application is filed, the agency shall determine whether it is complete for review. An application shall not be considered complete if:

(1) the requisite fee has not been received by the agency; or

(2) a signed original and copy of the application have not been submitted to the agency on the appropriate application form.

(d) If the agency determines the application is not complete for review, it shall mail notice of such determination to the applicant within five business days after the application is filed and shall specify what is necessary to complete the application. If the agency determines the application is complete, it shall mail notice of such determination to the applicant prior to the beginning of the applicable review period.

(e) Information requested by the agency to complete the application must be received by the agency no later than 5:30 p.m. on the last working day before the first day of the scheduled review period. The review of an application shall commence in the next applicable review period that commences after the application has been determined to be complete.

1     *History Note:*     *Authority G.S. 131E-177; 131E-182;*  
2                         *Eff. October 1, 1981;*  
3                         *Temporary Amendment Eff. July 15, 1983, for a Period of 118 Days, to Expire on November 10,*  
4                         *1983;*  
5                         *Amended Eff. November 1, 1990: January 1, 1990;*  
6                         *Temporary Amendment Eff. August 11, 1993, for a period of 180 days or until the permanent rule*  
7                         *becomes effective, whichever is sooner;*  
8                         *Amended Eff. December 1, 1994; January 4, 1994;*  
9                         *Temporary Amendment Eff. August 12, 1994, for a period of 180 days or until the permanent rule*  
10                        *becomes effective, whichever is sooner;*  
11                        *Temporary Amendment Eff. January 1, 2000;*  
12                        *Amended Eff. April 1, 2001;*  
13                        *Temporary Amendment Eff. February 16, 2004;*  
14                        *Amended Eff. August 1, 2004;*  
15                        *Temporary Amendment Eff. February 1, 2006;*  
16                        *Amended Eff. November 1, 2006.*